

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DETELIN DRAGANOV,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

Case No. C10-1336-RSM-BAT

**REPORT AND
RECOMMENDATION**

Plaintiff, who currently resides in Bellevue, WA, is proceeding pro se and in forma pauperis in this action brought under 42 U.S.C. § 1983. He filed a complaint asserting the WA Supreme Court denied him discretionary review and justice. Dkt. 1-1 at 2. Plaintiff named the State of Washington as his only defendant. Plaintiff requested compensatory damages and to vacate his convictions, fees, bails, and judgments.

On September 1, 2010, the matter was referred to the undersigned United States Magistrate Judge. Dkt. 5. After initial review of plaintiff's complaint, the Court granted leave to amend his complaint on September 3, 2010, to correct various deficiencies and advised plaintiff that failure to file an amended complaint within 30 days of the order would subject his case to dismissal. Dkt. 6. Plaintiff failed to file an amended complaint and the Court recommends the matter be **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.

1 The Court identified the following deficiencies in plaintiff's complaint: (1) plaintiff failed to
2 identify the constitutionally or federally protected right violated; (2) plaintiff failed to identify a
3 person acting under the color of law as a defendant; (3) plaintiff alleged violations by judicial
4 officers that have absolute judicial immunity; (4) plaintiff failed to indicate when the alleged
5 violations occurred; and (5) plaintiff requested the Court to vacate his convictions, fee, bails, and
6 judgments, which are barred by *Heck v. Humphrey*, 512 U.S. 477, 489 (1994).

7 Plaintiff has not filed an amended complaint to cure the stated deficiencies. Because
8 plaintiff failed to file an amended complaint to correct the defects identified in his original
9 complaint and the original complaint fails to state a claim on which relief can be granted, the
10 Court recommends plaintiff's complaint and this case be **DISMISSED**, prior to service, under §
11 1915(e)(2)(B(ii)). If, however, plaintiff believes he can cure the deficiencies in his complaint, he
12 should file an amended complaint with his objections, if any, to this Report and
13 Recommendation no later than **Tuesday, October 26, 2010**. A proposed order accompanies this
14 Report and Recommendation.

15 The Clerk is directed to send a copy of this Report and Recommendation to plaintiff and to
16 the Honorable Ricardo S. Martinez.

17 DATED this 5th day of October, 2010.

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20 BRIAN A. TSUCHIDA
21 United States Magistrate Judge
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